

**K&L|GATES**

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**FAX****Date •** February 13, 2007**Pages •** 8 (including this page)**Time •****Transmit To •** Rafael Bacares**Company/Firm •** U.S. Patent and Trademark Office**Telephone No. •****Fax No. •** 571-273-0419**From •** Christine C. Vito, Ph.D.**Phone •** 617.261.3150**Secretary •** Brenda MacLean**Phone •** 617-261-3279**Lawyer ID •** 5975**Client/Matter Name •****Client ID/Matter No. •** 0522510/0101

**COMMENTS:** Enclosed is a copy of the Petition to Revive for Application No. 10/565,508, which was originally submitted by Express Mail on September 27, 2006, but which has not yet been entered in the USPTO file.

When you are sending to us, please be sure to include a cover sheet with your transmittal and a telephone number where you can be contacted in case of equipment malfunction.

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**PCT SPECIAL  
PROGRAMS OFFICE**

PRC-001  
(0522510.0101)

The "RECEIVED" stamp of the U.S. Patent and Trademark Office  
imprinted hereon acknowledges the filing of:

Transmittal Form (1 page); Fee Transmittal (1 page); Petition For Revival of  
An International Application For Patent Designating the U.S. Abandoned  
Unintentionally Under 37 C.F.R. 1.137(b) (2 pages); a check in the amount of  
\$900.00; and this return receipt postcard, with each paper and fee bearing  
Express Mail Mailing Label No.: EV833637225US.

Name of Applicant:

Spiers

U.S. Application No.:

10/565,508

International (PCT) Application No.:

PCT/GB04/04134

Atty:

CCVito/CAKomm

Date:

September 27, 2006

BOS-1010094 v1

Legal Staff  
International Division**RECEIVED**

27 SEP 2006

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Label 11-F, April 2004

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Time Accepted 06:52	Scheduled Time of Delivery <input checked="" type="checkbox"/> 9 AM <input type="checkbox"/> 3 PM <input type="checkbox"/> 5 PM	Delivery Attempt Time 2006 SEP 27	Employee Signature Time 2006 SEP 27
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FROM: (PLEASE PRINT) KIRKPATRICK & LUCKHART NICHOLSON GRAHAM LLP STATE STREET FINANCIAL CENTER BOSTON MA 02111-2901 ATTN: CRYSTAL A. KONN, ESQ.		TO: (PLEASE PRINT) ATTENTION: PCT LEGAL STAFF MAIL STOP PCT COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450	
PRG-001 (0522510.0101) U.S. Application No.: 10/565,508		FOR PICKUP OR TRACKING: Visit <a href="http://www.usps.com">www.usps.com</a> or Call 1-800-222-1811	

BEST AVAILABLE COPY

**KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP**  
 GENERAL ACCOUNT  
 State Street Financial Center  
 One Lincoln Street  
 Boston, MA 02111

**MELLON BANK**  
 Mellon Bank NA  
 Philadelphia, PA

DATE: 09/27/2006

TO THE ORDER OF: Director of the U.S. Patent & Trademark Office  
 NINE HUNDRED AND 00/100

U.S. Application No. 10/565,508  
 Atty-Docket No. PKC-001  
 Express Mail Mailpiece Label NO. EV83163225US

5012597

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KIRKPATRICK &amp; LOCKHART NICHOLSON GRAHAM LLP

Date: 09/27/2006 Payee: Director of the U.S. Patent &		Vendor #: 7021595	Check #: 5012597
REF. #	INVOICE	INV. DATE	INV. AMOUNT
868163	9/27/06	09/27/2006	900.00
		COMMENTS	AMT. PAID
		File Petition for Revival of An International Application	900.00
			900.00

Express Mail Mailing Label No.: EV833637225US

TRANSMITTAL  
FORM

U.S. Application Serial Number

10/565,508

U.S. Filing Date

March 29, 2006

First Named Inventor

Spiers, William Arthur

International (PCT) Application Number

PCT/GB04/04134

International Filing Date

September 28, 2004

Attorney Docket No.

PRC-001

## ENCLOSURES (check all that apply)

☒ Fee Transmittal Form (1 page)☒ Check attached in the amount  
of \$900.00☐ Copy of Fee Transmittal Form☐ Amendment/Response☐ Preliminary☐ After Final☐ Affidavits/declaration(s)☐ Letter to Official  
Draftsperson

including Drawings

[Total Sheets \_\_\_\_\_]

☐ Petition for Extension of Time☐ Information Disclosure Statement☐ Form PTO-1449☐ Copies of IDS Citations☐ Certified Copy of Priority  
Document(s)☐ Sequence Listing submission☐ Paper Copy/CD☐ Computer Readable Copy☐ Statement verifying identity of  
above☐ Copy of Notice to File Missing Parts of  
Application☐ Formal Drawing(s)☐ Request For Continued Examination  
(RCE) Transmittal☐ Power of Attorney  
(Revocation of Prior Powers)☐ Terminal Disclaimer☐ Executed Declaration and Power of  
Attorney for Utility or Design Patent  
Application☐ Small Entity Statement☐ CD(s) for large table or computer  
program☐ Amendment After Allowance☐ Request for Certificate of Correction  
☐ Certificate of Correction (in  
duplicate)☐ Notice of Appeal to Board of Patent  
Appeals and Interferences☐ Appeal Brief (in triplicate)☐ Status Inquiry☒ Return Receipt Postcard☐ Certificate of First Class Mailing  
under 37 C.F.R. 1.8☐ Certificate of Facsimile  
Transmission under 37 C.F.R. 1.8☒ Additional Enclosure(s)  
(please identify below)Petition for Revival of An  
International Application For Patent  
Designating the U.S. Abandoned  
Unintentionally Under 37 C.F.R.  
1.137(b) (2 pages)

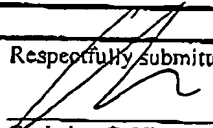
## CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
Kirkpatrick & Lockhart Nicholson  
Graham LLP  
State Street Financial Center  
One Lincoln Street  
Boston, MA 02111-2950  
Tel. No.: (617) 261-3100  
Fax No.: (617) 261-3175

## SIGNATURE BLOCK

Date: September 27, 2006  
Reg. No. 39,061  
Tel. No.: (617) 261-3150  
Fax No.: (617) 261-3175

Respectfully submitted.

  
Christine C. Vito  
Attorney for Applicant  
Kirkpatrick & Lockhart Nicholson  
Graham LLP  
State Street Financial Center  
One Lincoln Street  
Boston, MA 02111-2950

## Express Mail Mail Label No.: EV833637225US

FEE TRANSMITTAL  
FY 2006

Complete if Known

U.S. Application Serial Number	10/565,508
U.S. Filing Date	March 29, 2006
International (PCT) Application No.	PCT/GB04/04134
International Filing Date	September 28, 2004
First Named Inventor	Spiers, William Arthur
Attorney Docket No.	PRC-001

## METHOD OF PAYMENT

1. ☒ Payment Enclosed:  
☒ Check ☐ Money Order ☐ Other

2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 50-1721.

- ☐ Required Fees (copy of this sheet enclosed).  
☒ Additional fee required under 37 CFR 1.16 and 1.17.  
☒ Overpayment Credit.

3. ☒ Applicant claims small entity status.

## FEE CALCULATION

## 1. FILING/SEARCH/EXAM/SIZE FEES

## Large Entity

Fee (\$)	Fee Description	Fee Paid
300	Utility filing fee	
500	Utility search fee	
200	Utility exam fee	
250	Utility size fee (each add'l 50 pgs. over 100)	
200	Design filing fee	
100	Design search fee	
130	Design exam fee	
250	Design size fee (each add'l 50 pgs. over 100)	

	Number Filed	Number Extra	Rate	Amount
Total Claims	- 20 =		x \$ 50.00 =	

Independent Claims	- 3 =		x \$200.00 =	
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☐ Multiple Dependent Claim(s), if any \$360.00 =

TOTAL:

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$)

## 2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total	-	=	x \$ 50.00 =	
Indep.	-	=	x \$200.00 =	
<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$360.00 =	

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$)

## CORRESPONDENCE ADDRESS

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1020	510	Extension for reply within third month	
1590	795	Extension for reply within fourth month	
2160	1080	Extension for reply within fifth month	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1000	500	Request for oral hearing	
400	400	Petitions to the Commissioner (Gp. I)	
200	200	Petitions to the Commissioner (Gp. II)	
130	130	Petitions to the Commissioner (Gp. III)	
180	180	Submission of Information Disclosure Statement	
790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
790	395	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
130	65	Submission of Terminal Disclaimer	
1500	750	Petition Fee (37 CFR 1.17(m))	750.00
300	150	Basic National Fee (37 CFR 1.492(a))	150.00

SUBTOTAL (3) (\$)

SUBTOTAL (1) 0.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 900.00

TOTAL (\$)

## SIGNATURE BLOCK

Date: September 27, 2006  
 Reg. No.: 39,061  
 Tel. No.: (617) 261-3150  
 Fax No.: (617) 261-3175

Respectfully submitted,

Christine C. Vito  
 Attorney for the Applicant  
 Kirkpatrick & Lockhart Nicholson  
 Graham LLP  
 State Street Financial Center  
 One Lincoln Street  
 Boston, MA 02111-2950

Express Mail Mailing Label No.: EV833637225US

Attorney Docket No. PRC-001

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION  
FOR PATENT DESIGNATING THE U.S. ABANDONED  
UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)**

First Named Inventor	Spiers, William Arthur
International (PCT) Application No.:	PCT/GB04/04134
U.S. Application No.:	10/565,508
International Filing Date:	September 28, 2004
U.S. Filing Date:	March 29, 2006
Title:	Cell Bank for Contingent Autologous Leukocyte Transplantation

Attention: PCT Legal Staff  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-identified applications became abandoned as to the United States because the U.S. basic national fee required by 35 U.S.C. 371(c) was not filed prior to the expiration of the time set in 37 C.F.R. 1.495(b). The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 C.F.R. 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

For all international application having an international filing date after June 8, 1995, a grantable petition requires the following items (See 37 C.F.R. 1.137(b),(d)):

- (1) the required petition fee under 37 C.F.R. 1.17(m);
- (2) the proper reply; and
- (3) a statement that the entire delay was unintentional.

**1. Petition Fee**

Applicant claims small entity status. Therefore, Applicant is required to pay a petition fee of \$750.00 under 37 C.F.R. 1.17(m). Enclosed herewith is a check in the amount of \$900.00, \$750.00 of which covers the petition fee.

Petition for Revival of an International Application for Patent Designating  
the U.S. Unintentionally Abandoned under 37 C.F.R. 1.137(b)  
U.S. Serial No.: 10/565,508  
International Appl'n No.: PCT/GB04/04134  
Attorney Docket No.: PRC-001  
Page 2 of 2

## 2. Proper Reply

A proper reply requires submission of the missing 35 U.S.C. 371(c) requirement, namely the U.S. basic national fee, required under 37 C.F.R. 1.495(b)(2). Applicant claims small entity status. Therefore, Applicant must pay \$150.00 to cover the basic national fee set forth in 37 C.F.R. 1.492(a). Applicant encloses herewith a check in the amount of \$900.00, \$150.00 of which covers the required basic national fee.

## 3. Statement

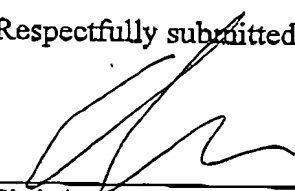
The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

Applicant respectfully requests that this petition be granted and that the above-identified application be reinstated. Applicant believes all necessary fees required for granting this petition are covered by the enclosed check. However, if any additional fee(s) are due, please charge them to Attorney's Deposit Account No. 50-1721.

Respectfully submitted,

Date: September 27, 2006  
Reg. No. 39,061

Tel. No.: (617) 261-3150  
Fax No.: (617) 261-3175

  
Christine C. Vito  
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